

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

12 DEC -6 PM 3:19

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAX N. LAFFERTY,

Defendant.

CASE NO. 8:12-cr-00029 OF THE CLERK

**ORDER**

This matter comes before the Court on the Defendant's Motion to Determine Competency, Filing No. 17. The Court is advised that the Plaintiff does not oppose this Motion. Based upon counsel's showing, the Court finds that there is reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 4247(b) that the Defendant is hereby committed to the custody of the Attorney General for a reasonable period, but not to exceed 30 days, for placement in a suitable facility for the purposes of psychiatric or psychological evaluation. Unless impracticable, the psychiatric or psychological examination shall be conducted in a suitable facility closest to Omaha, Nebraska.

A licensed or certified psychiatrist or psychologist shall examine the Defendant and provide the Court and counsel a report pursuant to 18 U.S.C. § 4247(c) to address the following issues:

1. The Defendant's history and present symptoms;

2. A description of the psychiatric, psychological and medical tests that were employed and their results;
3. The examiner's findings; and
4. The examiner's opinions as to diagnosis, prognosis and whether the Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Upon receipt by the Court and counsel of the examination report, the Court will promptly hold a hearing pursuant to 18 U.S.C. § 4247(d) to determine the competency of the Defendant to stand trial.

The time between today's date and the receipt of the examination report is excluded under the Speedy Trial Act.

The Clerk is directed to provide a copy of this order to the U.S. Marshal.

Ordered this 6 day of DECEMBER, 2012.

BY THE COURT:

  
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Hon. F. A. Gossett, III  
United States Magistrate Judge